

## **R E M A R K S**

Dependent Claims 6 and 11 have been amended. Claims 1 to 23 remain pending in the present application.

### **A. CLAIM OBJECTIONS**

Claims 6 and 11 were objected to due to the informalities specified in the Office Action. Claims 6 and 11 have been amended as suggested by the Examiner. Thus, the Applicants respectfully request withdrawal of the Examiner's objections.

### **B. CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

Claims 1, 12, and 23 and their dependencies stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse these rejections.

Claims 1, 12, and 23 stand rejected as the Examiner contends the specification lacks support for the feature "determining an amount of memory bandwidth of a network processor allocated among a plurality of data types used to transmit data through a plurality of active ports" as recited in claim 1 for example. Support for this feature may be found throughout the specification. For example, on page 10, lines 26 through 31, the specification states:

In step 308, the difference between a maximum amount of memory bandwidth (e.g., system memory bandwidth) of the network processor system that may be used by the plurality of data types and the total amount of memory bandwidth of the network processor currently used by the plurality of data types is determined.

(emphasis added). Applicants respectfully submit that at least this section of the specification provides support for the above-recited claim feature.

Claims 1, 12, and 23 stand rejected as the Examiner further contends the specification lacks support for the feature “dynamically adjusting the amount of memory bandwidth allocated to at least one of the plurality of data types based on the determinations”, as recited in claim 1 for example. Support for this feature may also be found throughout the specification. For example, Applicants respectfully note the above-recited portion of the specification (page 10, lines 26 through 31), and the paragraph bridging pages 11 and 12 of the specification, which states:

The port activation logic 114 may be designed to determine whether enough memory bandwidth is currently available to transmit Gigabit Ethernet data using a new Gigabit Ethernet port by comparing the value of (C-limit - A-rate - E-rate) with the minimum amount of memory bandwidth that must be allocated to each new active output port 112 used to transmit Gigabit Ethernet data (e.g., G-factor). If the G-factor is less than or equal to the difference between the maximum amount of memory bandwidth currently used by the plurality of data types (e.g., C-limit - A-rate - E-rate), a value indicating enough memory bandwidth is currently available for activating a new Gigabit Ethernet output port (G-avail) is set to TRUE.

(emphasis added). Applicants respectfully submit that at least these sections of the specification provide support for the above-recited claim feature.

For at least the above reasons, the Applicants respectfully request that the rejections under 35 U.S.C. § 112, first paragraph, be withdrawn.

Claims 1, 12, and 23 and their dependencies stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse these rejections.

Claims 1, 12, and 23 stand rejected as the Examiner contends that “[i]t is not clear whether the ‘the amount of

memory bandwidth allocated to at least one of the plurality of data types'[lines 10-11] refers to the amount of memory bandwidth in lines 4-5, or to the amount of memory bandwidth in lines 7-9 of claim 1." *Office Action*, page 4, lines 13 through 15. Claim 1, lines 7-9, recites "determining an amount of memory bandwidth of the network processor used by each of the plurality of data types". Applicants respectfully submit that the recitation "the amount of memory bandwidth allocated to at least one of the plurality of data types" (lines 10-11) refers to the amount of memory bandwidth in lines 7 through 9 (e.g., the amount of memory bandwidth allocated to (one or more of) each of the plurality of data types).

Claims 1, 12, and 23 stand rejected as the Examiner contends "[i]t is further not clear whether 'adjusting the amount of memory bandwidth allocated to at least one of the plurality of data types' means adjusting the amount of memory bandwidth for one data type, then adjusting another amount of memory bandwidth for another data type; or adjusting one memory bandwidth for a plurality of data types - when there are two or more data types." *Office Action*, page 4, lines 16 through 20. Claim 1, lines 10 through 12, recites "dynamically adjusting the amount of memory bandwidth allocated to at least one of the plurality of data types based on the determinations." Applicants respectfully submit that this recitation refers to adjusting... memory bandwidth allocated to one or more of each of the plurality of data types.

For at least the above reasons, the Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

### **C. CLAIM REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1-3, 5, 9, 11-14, 16, 20, 22, and 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S.

Patent No. 6,560,231 to *Kawakami et al.* (hereinafter "*Kawakami*"). Applicants respectfully traverse these rejections.

As noted in an earlier Amendment, Applicants' claims are directed towards sharing network processor memory bandwidth among multiple ports and/or data types transmitted over the ports. *Kawakami* appears to discuss sharing bandwidth of a virtual pipe among many virtual connections and quality classes.

Independent Claim 1 of the present application recites, inter alia, "determining an amount of memory bandwidth of a network processor allocated among a plurality of data types used to transmit data through a plurality of active ports." Independent Claims 12 and 23 recite, inter alia, "port activation logic... to: determine an amount of memory bandwidth of the network processor allocated among a plurality of data types used to transmit data through a plurality of active ports." Applicants have been unable to find any mention whatsoever of a "network processor" in *Kawakami*. Thus, *Kawakami* cannot properly be relied upon for teaching or suggesting every feature of independent Claims 1, 12, or 23. Accordingly, the Applicants' respectfully request that the rejections of Claims 1-3, 5, 9, 11-14, 16, 20, 22, and 23 be withdrawn.

Claims 1-3, 6-9, 11-14, 17-20, 22, and 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0017781 by *Alferness et al.* (hereinafter "*Alferness*"). Applicants respectfully traverse these rejections. The Applicants anticipate being able to make an appropriate showing under either 37 CFR 1.131 or 1.132, to eliminate *Alferness* as prior art if necessary. However, Applicants do not believe such a showing is necessary at this time based on the Examiner's untenable rejection, but reserve the right to make such a showing if the Examiner maintains his rejections based on *Alferness*.

Independent claim 1 of the present application recites, inter alia, "determining an amount of memory bandwidth of a network processor allocated among a plurality of data types used to transmit data through a plurality of active ports." Independent Claims 12 and 23 recite, inter alia, "port activation logic... to: determine an amount of memory bandwidth of the network processor allocated among a plurality of data types used to transmit data through a plurality of active ports." Applicants have been unable to find any mention whatsoever of memory bandwidth being allocated among "a plurality of data types" in *Alferness*. Rather, the sections of *Alferness* cited by the Examiner discuss allocation of bandwidth among virtual channels or flows which are logical connections between a source and a destination. Thus, *Alferness* cannot properly be relied upon for teaching or suggesting every feature of independent Claims 1, 12, or 23. Accordingly, the Applicants' respectfully request that the rejections of Claims 1-3, 6-9, 11-14, 17-20, 22, and 23 be withdrawn.

#### **D. CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

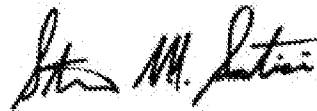
Claims 4, 10, 15, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kawakami*. Applicants respectfully traverse these rejections. As discussed above, *Kawakami* does not disclose all the features recited in Claims 1 and 12, the base claims from which Claims 4, 10, 15, and 21 variously depend. Therefore, Claims 4, 10, 15, and 21 are patentable over the cited reference and the Applicants respectfully request that the rejection be withdrawn.

#### **E. CONCLUSION**

Applicants believe all pending claims are in condition for allowance, and respectfully request reconsideration and allowance of the same. Applicants do not believe a Request for

Extension of Time is required but if it is, please accept this paragraph as a Request for Extension of Time. Applicants do not believe any fees are due regarding this amendment. If any fees are required, however, please charge Deposit Account No. 04-1696. Applicants encourage the Examiner to telephone the Applicants' attorney should any issues remain.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steven M. Santisi". The signature is stylized with a large, looped initial "S" and a cursive style for the rest of the name.

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Dated: June 6, 2007  
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